

Committee of the Whole (2) Report

DATE: Tuesday, June 18, 2024

WARD(S): 3

**TITLE: PROPERTY MATTER - ROAD CLOSURE OF PART OF
DUNDONNELL PLACE, LIFTING AND DEDICATING RESERVES
AND RECONVEYANCE – PARTS 1, 2, 3 & 4 ON REFERENCE
PLAN 65R-40915 (THE “LANDS”)**

FROM:

Vince Musacchio, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

The purpose of this report is to seek Council authorization to enact a by-law to:

- stop up and close Part of Dundonnell Place as a public highway, legally described as Parts 3 & 4 on Reference Plan 65R-40915, being part of PIN 03754-0787 (LT), in accordance with section 34 of the *Municipal Act, 2021*;
- dedicate Part 4 on Reference Plan 65R-40915, being part of PIN 03754-0787 (LT), as a 0.3m Reserve to connect and close off the Reserves along Dundonnell Place;
- lift the 0.3m Reserves legally described as Parts 1 & 2 on Reference Plan 65R-40915, being part of PIN 03754-0784 (LT) and all of PIN 03754-0785 (LT); and
- authorize the reconveyance of Parts 1, 2 & 3 on Reference Plan 65R-40915, being part of PIN 03754-0784 (LT), all of PIN 03754-0785 (LT) and part of PIN 03754-0787 (LT), to the original landowner (the “Applicant”) in accordance with section 4.5 of the related Subdivision Agreement (as defined below).

Report Highlights

- The Applicant submitted a request to the City to reconvey part of the lands transferred to the City in accordance with the Subdivision Agreement for Belmont Properties (Weston) Inc. Subdivision (19T-06V07), Phase 1, executed on December 5, 2008, Development Engineering has reviewed and approved this request.

Report Highlights continued

- Development Engineering has also confirmed that the Reconveyance Lands are no longer required for municipal services and the Reconveyance Lands can be reconveyed to the Applicant in accordance with section 4.5 of the Subdivision Agreement.
- Accordingly, Development Engineering recommends that Council enacts a by-law to stop up and close the road as a public highway, dedicate and lift 0.3m Reserves on the Lands as mentioned above.
- The Notice of the Proposed Stopping-Up and Closing of a Road was advertised by the Office of the City Clerk for two (2) consecutive weeks on the Disruptions and Closures page of the City's website and the appropriate agencies were notified of the proposed by-law.

Recommendations

1. That Part of Dundonnell Place, be approved to be stopped up and closed as a public highway and that Council enacts a by-law to stop up and close as a public highway, dedicate and lift 0.3m Reserves on the Lands;
2. That Council authorize the reconveyance of the Reconveyance Lands to the Applicant in accordance with section 4.5 of the Subdivision Agreement; and
3. That the Deputy City Manager, Infrastructure Development or its designate(s) be authorized to execute all documentation necessary to carry out the foregoing, in a form satisfactory to the Deputy City Manager, Legal and Administrative Services & City Solicitor or its designate(s).

Background

On December 5, 2008, the City and Belmont Properties (Weston) Inc. entered into a Subdivision Agreement, Phase 1, File (19T-06V07) (the "Subdivision Agreement") for a residential development. Pursuant to the conditions of approval of Draft Plan of Subdivision, Dundonnell Place and the 0.3m Reserves was to be extended to facilitate the development. The 26.33-hectare site is located within Block 40, north of Major Mackenzie Drive and west of Weston Road.

The Applicant transferred lands to the City for the purposes of extending Dundonnell Place and the 0.3m Reserves, pursuant to section 4.1 and Schedule K of the Subdivision Agreement. According to section 4.5 of the Subdivision Agreement, if the City determines, in its sole and absolute discretion, that any of the lands or easements conveyed to the City for municipal services are no longer required, then the City may reconvey said lands or easements to the Owner, and all costs and disbursements associated with said reconveyance shall be paid by the Applicant.

On or about January 23, 2024, the Applicant requested approval to reduce Dundonnell Place and to have the resulting unused portion of Dundonnell Place and the 0.3m Reserves reconveyed to the Applicant (the “Request”).

To enable the reconveyance of part of the Lands to the Applicant, it is necessary to enact a by-law to stop-up and close as a public highway, dedicate and lift 0.3m Reserves on the Lands and authorize the reconveyance of part of the Lands.

Previous Reports/Authority

N/A

Analysis and Options

The Request has been circulated to all necessary City departments for review and approval. Development Engineering confirms that part of the Lands is no longer required for municipal services and can be reconveyed to the Applicant. The Applicant has consented to bear all costs associated with this matter, including, but not limited to, land transfer taxes, preparation of a reference plan, legal fees, and any administrative fees.

The Notice of the Proposed Stopping-Up and Closing of a Road was advertised by the Office of the City Clerk for two (2) consecutive weeks on the Disruptions and Closures page of the City’s website and the appropriate agencies were notified of the proposed by-law.

In order for Council to authorize the reconveyance of part the Lands, being Parts 1, 2 & 3 on Reference Plan 65R-40915, Council will also have to approve and enact a by-law, in the form attached hereto to:

- stop up and close Part of Dundonnell Place as a public highway, legally described as Parts 3 & 4 on Reference Plan 65R-40915, in accordance with section 34 of the *Municipal Act, 2021*.
- dedicate Part 4 on Reference Plan 65R-40915 as a 0.3m Reserve to connect and close off the Reserves along Dundonnell Place.
- lift the 0.3m Reserves legally described as Parts 1 & 2 on Reference Plan 65R-40915.

Financial Impact

None.

Operational Impact

None.

Broader Regional Impacts/Considerations

Not Applicable.

Conclusion

Development Engineering has confirmed that part of the Lands is no longer required for municipal services and can be reconveyed to the Applicant. The Office of the City Clerk provided public notice of the proposed stopping-up and closing of a road. To that end, Development Engineering's recommendations are to proceed with the enactment of the By-law to Stop Up Close Part of Dundonnell Place as a public highway, Dedicate and Lift 0.3m Reserves on the Lands as mentioned above; authorize the reconveyance of part of the Lands to the Applicant; and authorize the execution of any necessary documentation for the reconveyance of part of the Lands.

For more information, please contact: Frank Suppa, Director, Development Engineering, extension 8255.

Attachments

1. Location Map
2. Deposited Reference Plan (65R-40915)
3. Draft By-law
4. Subdivision Agreement

Prepared by

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